

REMARKS

Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Drawings

Figures 14 and 15 are objected to because they should be designated by a legend such as --PRIOR ART--. In response, a Submission of Corrected Sheets of the Drawings is being filed concurrently herewith in which the legend --PRIOR ART-- has been added to Figures 14 and 15. No new matter has been added. It is respectfully submitted that the objection to the drawings has been overcome.

Abstract

The Abstract of the Disclosure is objected to because of the inclusion of legal phraseology. In response, a new Abstract has been provided for the Examiner's consideration and approval.

Specification

The specification has been amended to place such in better form. It is respectfully submitted that no new matter has been added.

Claims Status

Claims 5 and 7 through 11 are now pending in the application. Claims 1 through 4 and 6 have been canceled. Claims 5 and 8 have been amended to even more succinctly define the invention and/or to improve their form. Claims 9 through 11 have been added to accord Applicants an additional scope of protection commensurate with the disclosure. It

is respectfully submitted that no new matter has been added. Claim 5 is the only independent claim pending in the application.

Claim Objections

Claims 1 through 4 are objected to because of minor informalities kindly noted by the Examiner in the Official Action. In response, Claims 1 through 4 have been canceled making this objection moot.

Claim Rejections

Claims 1 through 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,044,237 (Numagami, et al. '237).

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Numagami, et al. in view of U.S. Patent No. 5,404,216 (Numagami, et al. '216).

Claims 5, 7, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Numagami, et al. '237 in view of U.S. Patent No. 6,356,723 (Sato, et al.).

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Numagami, et al. '237 in view of Sato, et al. as applied to Claim 5 and further in view of U.S. Patent No. 6,185,393 (Karakama, et al.).

The rationale underlying each of the foregoing art rejections is succinctly set forth in the Official Action.

Response to Art Rejections

Without conceding the propriety of the rejections and solely to expedite prosecution, Claims 1 through 4 and 6 have been canceled. Accordingly, the rejection of these claims is moot.

The rejections of the pending claims are respectfully traversed.

Amended Claim 5 calls for a developing apparatus that includes a container for containing a developing agent; a developer bearing member which bears the developing agent from the container and provides the developing agent to a photosensitive drum for developing latent image formed on the photosensitive drum; a developing frame which supports the developing bearing member; a magnetic sealing member magnetically restricting leakage of the developing agent out of an end of the developing apparatus in a longitudinal direction of the developer bearing member, the magnetic sealing member which is provided on the developing frame to form a gap with outer surface of the developing bearing member and the magnetic sealing member comprises a magnetic portion facing to a side of the developing frame; and an elastic sheet preventing the developing agent from leaking out of the developing apparatus, the elastic sheet is attached with a double side adhesive tape along the longitudinal direction of the developing frame. The magnetic sealing member and the elastic sheet are overlapped with each other. An end of the longitudinal direction of the double side adhesive tape is in a letter L-shaped and contact to the elastic portion of the magnetic sealing member.

Numagami, et al. '237 discloses a developing apparatus including a magnetic sealing member magnetically restricting leakage of the developing agent at an end of a developer bearing member in a longitudinal direction of the developer bearing member.

The Examiner recognizes that Numagami, et al. '216 does not disclose double-sided adhesive tape. Accordingly, the Examiner relies on Sato, et al. for showing this claimed feature.

Sato, et al. does not disclose or suggest that an end in the longitudinal direction of a double-side adhesive tape is L-shaped and that the end contacts an elastic portion of the magnetic sealing member as recited in amended Claim 5.

It is also respectfully submitted that the combination rejections are not well founded. The Examiner has provided a *rationalization* for combining the teachings of the cited art based on the benefits of doing so. A combination rejection is proper only when there is some suggestion or motivation in the cited art *per se* to cause one having ordinary skill in the art to combine the teachings of the cited art. There is nothing in the cited art which supports the position that it can be combined in the manner suggested. Even if the art could be so combined, the mere fact that the art can be combined is not sufficient if there is no suggestions in the art that such a combination is desirable. For example, see ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

In view of the foregoing, it is respectfully submitted that amended independent Claim 5 is allowable over Numagami, et al. '216 and Sato, et al. whether taken individually or in combination.

Dependent Claims

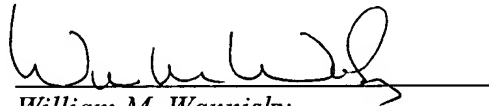
Claims 7 through 11 depend either directly or indirectly from Claim 5 and are allowable by virtue of their dependency and in their own right for further defining Applicants' invention. Individual consideration of the dependent claims is respectfully requested.

Closing Comments

It is respectfully submitted that the pending claims are allowable over the art of record and that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,



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